

Upon which the yeas and nays were called, and stood thus :

Yeas—Messrs. Bourland, Brashear, Burleson, Dancy, Grimes, Parker, Williamson and Wootten—9.

Nays—Messrs. Bache, Clark, Cuny, Gage, Fitzgerald, Jewett, McRae, Navarro, Perkins, Phillips, Wallace and Williams—11.

Amendment rejected.

Third section was read and adopted.

Mr. Fitzgerald moved to amend the fourth section by striking out "Bexar and Medina," and inserting "Goliad and Refugio."

Mr. Phillips moved a division of the question.

On motion of Mr. Gage, the Senate adjourned until 10 o'clock, to-morrow morning.

Tuesday, 10 o'clock, a. m.
February 15th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names :

Messrs. Bourland, Brashear, Bache, Burleson, Clark, Cuny, Dancy, Fitzgerald, Gage, Grimes, Jewett, McRae, Navarro, Parker, Phillips, Wallace, Williams, Williamson and Wootten.

Quorum present.

The journal of the preceding day was read and adopted.

Mr. Dancy, chairman of the committee on State Affairs, made the following reports :

The committee on Affairs of State, to whom was referred "A bill to be entitled an act to provide for the enumeration of the inhabitants of the State of Texas, for the year 1848," have considered the same, and instructed me to report the bill back to the Senate, and recommend its passage.

The committee on Affairs of State, to whom was referred "A bill to be entitled an act to legalize the marriage of Eli

Gray with Ann Eliza Gray," after examining the provisions of the bill, have instructed me to report it back to the Senate, and recommend its passage.

The committee on affairs of State to whom was referred an "act for the relief of Liley a colored woman," after examining the bill, have instructed me to say, that the committee have reported against the passage of any bill to increase the number of free negroes in the State, and as the passage of this bill would open the door to the applications of others, who are similarly situated, (although they are satisfied Liley is a meritorious negro,) the committee have instructed me to report the bill to the Senate and recommend its indefinite postponement.

Mr. Clark Chairman of the committee on the Judiciary made the following reports.

The Judiciary committee herewith return to the Senate, "a bill to be entitled an act to require the Commissioner of the General Land Office to charge fees for business done in his office, where the State is not concerned" with the following amendments.

First. In first section, strike out "20 cents;" and insert "15 cents."

Second. In same section strike out "30 cents," and insert "20 cents."

The committee think the rates above specified sufficient for copying records, and with the alterations proposed, they deem it advisable to pass the bill.

The Judiciary committee have considered a bill to be entitled an act prescribing in what cases, the Governor may remit fines and forfeitures" and herewith return it to the Senate, and recommend its passage.

Mr. Williams chairman of the committee on Internal Improvements, to whom was referred a bill to authorize the opening and construction of a turnpike road across the Trinity bottom, reported a substitute therefor, and recommended its passage.

Mr. Bourland Chairman of the committee on public lands, to whom was referred a bill to be entitled an act to amend an

act supplementary to an act to create and organize the county of Panola, reported the same back to the Senate without amendments, and recommended its passage.

Mr. Grimes Chairman of the committee on Finance to whom was referred a "Joint Resolution for the benefit of R. M. Potter Collector of Customs at Velasco, during the years 1842, 1843 and 1844," reported the same back to the Senate and recommended that it be laid upon the table.

Mr. Grimes, Chairman of the committee on Finance made the following report.

The committee on Finance to which was referred a "resolution requiring them to take into consideration the propriety of ascertaining at an early day, the amount due by the State to the several District Clerks of the old Republic of Texas, and now State of Texas for their official services on behalf of the State; and also the propriety of discharging the same by instalments in money and pro rata distributions under annual appropriations for that purpose, or by land certificates at a valuation to be fixed by law."

There being two propositions in the said resolution, your committee first proceeded to inquire into the amount due by the State to Clerks of the District Courts. In answer to a note addressed to the Comptroller of Public Accounts, he estimates the amount due to the Clerks aforesaid to be from forty-five to fifty thousand dollars. There is little doubt that many more claims would be presented, if there was a probability of such claims being speedily paid. With regard to the payment of these claims, though just and meritorious, your committee cannot conceive any reason why they should have a preference over the many thousands of dollars of the public debt, much of which has accrued for subsistence for the army, and for personal services in defence of the country. With these views, your committee ask leave to be discharged from the further consideration of the resolution.

Mr. Perkins Chairman of the committee on Private Land Claims made the following reports.

The committee on Private Land Claims, to whom was re-

ferred a bill which originated in the House of Representatives to be entitled "an act for the relief of the widow and heirs at law of Major James L. Holmes deceased," have had the same under consideration, and direct me to report, that suit having been instituted on the certificate mentioned in the bill, previous to the 1st of July, 1847, and believing the claim a meritorious one recommend its passage.

The committee on Private Land Claims, to whom was referred "a bill to be entitled an act for the relief of Kisiah Taylor, whose maiden name was Kisiah Cryer" have had the same under consideration and direct me to report the same back to the Senate and recommend its passage.

Mr. Burleson, Chairman of the select committee to whom was referred the petition of J. W. E. Wallace, with the accompanying documents, reported a Joint Resolution for the relief of Joseph W. E. Wallace, which was read first time.

Mr. Grimes introduced a bill to be entitled an act for the relief of Moses Evans, surviving administrator of H. S. Williamson, deceased.

Read first time.

A message was received from the House of Representatives informing the Senate that the House had passed the following bills, and Joint Resolutions, viz:

A bill to be entitled an act to provide for the exchange of books, maps, charts, &c.

A bill to be entitled an act to remove the Land office of the Robertson land district from Franklin in Robertson county, to Springfield in Limestone county.

A bill to be entitled an act to make an improved charter of Goliad city.

A bill to be entitled an act to allow set offs in certain cases.

A bill to be entitled an act to authorize the opening and construction of a turnpike road from the city of Houston to Brazos river.

A bill to be entitled an act incorporating the Houston Mechanics' Institute.

Joint Resolution for the relief of Ford and Cronican.

Joint Resolution confirming a certificate for one league and one labor of land issued to John Vanderworth by the board of Land Commissioners of Austin county.

Also that the House had passed a substitute for a Joint Resolution originating in the Senate, authorizing and requiring the Governor to subscribe for three hundred copies of the reports of decisions of the Supreme Court.

Also, that the House insist on their substitute by way of amendment to a Joint Resolution of the Senate instructing the Senators and Representatives in Congress to procure the passage of an act establishing two districts for the United States Court; as reported by the committee of conference, on the part of the House.

The Senate proceeded to the orders of the day.

The question before the Senate was on striking out the words "Bexar and Medina" in the fourth section of a bill to be entitled an act to establish the Judicial Districts of the District Courts."

Upon which the yeas and nays were called, and stood thus:

YEAS—Messrs. Bourland, Burleson, Dancy, Gage, Jewett, Fitzgerald, and Williams—7.

NAYS—Messrs. Brashear, Bache, Clark, Cuny, Grimes, McRae, Parker, Perkins, Phillips, Wallace, Williamson and Wootten—13.

Amendment rejected.

The question then recurred on Mr. Fitzgerald's motion to amend by striking out "Bexar and Medina" and inserting "Goliad and Refugio."

Upon which the yeas and nays were called and stood as follows:

YEAS—Messrs. Bourland, Burleson, Dancy, Gage, Jewett, Fitzgerald, and Williams—7.

NAYS—Messrs. Brashear, Bache, Clark, Cuny, Grimes, McRae, Navarro, Parker, Perkins, Phillips, Wallace, Williamson and Wootten—13.

So the amendment was rejected.

Mr. Fitzgerald moved to amend by inserting after "San Patricio" the words "and Refugio."

Adopted.

Mr. Wallace moved to amend the 5th section by striking out "Houston."

Mr. Parker moved to amend the amendment, by adding the words "Nacogdoches and Angelina."

Upon which the yeas and nays were called and stood thus.

YEAS—Messrs. Brashear, Bache, Dancy, Gage, Fitzgerald, Navarro, Parker, Perkins and Williamson—9.

NAYS—Messrs. Clark, Cuny, Grimes, Jewett, McRae, Phillips, Wallace, Williams and Wootten—9.

There being a tie, the President voted in the negative.

So the amendment was rejected.

Mr. Bourland was excused from voting.

The question then recurred upon the amendment proposed by Mr. Wallace:

Which was adopted.

Mr. Gage moved to amend by striking out the words "Nacogdoches and Angelina."

Upon which the yeas and nays were called and stood thus:

YEAS—Messrs. Brashear, Burleson, Dancy, Gage, Fitzgerald, Navarro, Parker and Phillips—8.

NAYS—Messrs. Bourland, Bache, Clark, Cuny, Grimes, McRae, Perkins, Wallace, Williams, Williamson and Wootten—11.

Amendment rejected.

The 6th section was then read; and Mr. Gage offered the following as a substitute for said section.

"Be it further enacted, That the following counties shall compose the sixth Judicial District, to-wit:

Angelina, Nacogdoches, Houston, Anderson, Cherokee, Smith and Rusk.

Upon the adoption of which the yeas and nays were called and stood as follows:

YEAS—Messrs. Bache, Burleson, Dancy, Gage, and Parker—5.

NAYS—Messrs. Bourland, Brashear, Clark, Cuny, Grimes, McRae, Navarro, Perkins, Phillips, Wallace, William, Williamson and Wootten—13.

Substitute rejected.

The seventh section was read.

Mr. Bourland moved to amend the 8th section by inserting "Fannin" after "Hunt."

Adopted.

Mr. Bourland moved to amend the 9th section by striking out the word "Fannin."

Adopted.

Mr. Wallace moved to amend by inserting "and Houston" after "Anderson."

Adopted.

Mr. Gage moved to amend by adding "Van Zandt" after "Houston."

Adopted.

Mr. Fitzgerald moved to amend the 10th section by striking out "Refugio."

Adopted.

Mr. Grimes moved to amend by adding to 11th section "and that this act take effect and be in force from and after the first day of August next."

Adopted.

Mr. Parker moved to recommit the bill to the special committee on Judicial Districts.

Lost.

Mr. Dancy moved to amend by striking out "Perdernaes" and inserting "Gillespie," in the second section.

Adopted.

On motion of Mr. Phillips the bill was laid upon the table until to-morrow morning.

On motion of Mr. Bourland,

The Senate adjourned until 3 o'clock, p. m.

3 o'clock, p. m.

The Senate met; roll called, quorum present.

On motion of Mr. Phillips, the vote laying on the table, until to-morrow morning, the bill to be entitled an act to establish the Judicial Districts of the District Courts; was reconsidered.

Mr. Phillips offered the following as a substitute for the 11th section.

"SECTION 11. *Be it further enacted,* That all laws and parts

of laws conflicting with this act, be and the same are hereby repealed: provided that all Judicial business shall progress in accordance with the laws heretofore existing, until the close of the Spring Term of the District Courts, A. D. 1848.

Mr. Gage moved to refer the bill and amendment to the committee on the Judiciary.

Lost.

Mr. Dancy moved to amend the substitute, by striking out all, after "the," and inserting "first Monday in August, A. D. 1848."

Question on the adoption of the substitute offered by Mr. Phillips, for the 11th section was taken; and substitute rejected.

The bill was then ordered to be engrossed.

The Senate, on motion of Mr. Jewett, adopted the substitute of the House for Joint Resolution authorizing and requiring the Governor to subscribe for three hundred copies of the reports of decisions of the Supreme Court of this State.

The substitute of the House of Representatives for a bill originating in the Senate, to be entitled an act allowing discretion to the Judges of the Supreme Court in the order of trying causes; was read, and

On motion of Mr. Phillips, referred together with the original bill to the committee on the Judiciary.

A message was received from the House of Representatives, informing the Senate that the House had passed the following bills, viz:

A bill to be entitled an act to regulate proceedings in the County Courts pertaining to estates of deceased persons, and

A bill to be entitled an act organizing County Courts.

A bill to be entitled an act regulating elections; read first time.

A bill to be entitled an act to incorporate the town of Mount Pleasant, in Titus county; read first time.

A bill to be entitled an act to incorporate the Berkeley Academy of Montgomery county; read first time.

A bill to be entitled an act to authorize the opening and construction of a Turnpike road from the City of Houston to Brazos river; read first time.

A bill to be entitled an act to remove the Land Office of the Robertson Land district from Franklin, in Robertson county, to Springfield in Limestone county; read first time.

A bill to be entitled an act to make an improved charter for Goliad City; read first time.

A bill to be entitled an act to provide for ceding to the United States jurisdiction of certain lands in this State, for public purposes; read first time.

A bill to be entitled an act to reduce to its constitutional size, define the boundaries, and permanently locate the county seat of Henderson county; read first time.

On motion of Mr. Jewett, the Secretary was instructed to transmit to the House a Joint Resolution, instructing our Senators, and requesting our Representatives in Congress to procure the passage of a law establishing two Districts for the United States District Court, in Texas, together with the substitute, adopted by the House, and a report thereon, purporting to be a report of the committee of conference on said Joint Resolution, with the explanation that the Senate consider said report informal, being signed only by the chairman of said committee, on the part of the House.

On motion of Mr. Fitzgerald the Senate adjourned until 9 o'clock to-morrow morning.

Wednesday, 9 o'clock, A. M.
February 16th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Bourland, Brashear, Burleson, Clark, Cuny, Gage, Grimes, Fitzgerald, Navarro, Parker, Perkins, Phillips, Wallace, Williams, Williamson and Wooten; quorum present.

Mr. Clark presented the petition of the citizens of Panola county, praying the passage of a law, locating permanently, the county seat of said county, which was read, and

On motion of Mr. Gage, referred to the committee on Counties and County Boundaries.

Mr. Clark, Chairman of the committee on the Judiciary, made the following report: